

AMENDED IN ASSEMBLY MAY 3, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1868

Introduced by Assembly Member Wagner

February 10, 2016

An act to amend Section 11346.4 of the Government Code, relating to regulations.

LEGISLATIVE COUNSEL’S DIGEST

AB 1868, as amended, Wagner. Regulations: legislative notice.

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires an agency to mail a notice of proposed action to specified entities at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a ~~regulation~~. *regulation, and to publish the notice of proposed action in the California Regulatory Notice Register as proposed by the Office of Administrative Law.*

This bill would require ~~that the notice of proposed action also be submitted to the Legislature if it~~ *the Office of Administrative Law to send a link to an Internet Web site, where this published information is posted, to the appropriate Senate and Assembly policy committee secretaries via electronic mail, if the notice* includes particular information relating to economic and cost impacts of the regulation on businesses and private persons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11346.4 of the Government Code is amended to read:

11346.4. (a) At least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be:

(1) Mailed to every person who has filed a request for notice of regulatory actions with the state agency. Each state agency shall give a person filing a request for notice of regulatory actions the option of being notified of all proposed regulatory actions or being notified of regulatory actions concerning one or more particular programs of the state agency.

(2) In cases in which the state agency is within a state department, mailed or delivered to the director of the department.

(3) Mailed to a representative number of small business enterprises or their representatives that are likely to be affected by the proposed action. "Representative" for the purposes of this paragraph includes, but is not limited to, a trade association, industry association, professional association, or any other business group or association of any kind that represents a business enterprise or employees of a business enterprise.

(4) When appropriate in the judgment of the state agency, mailed to any person or group of persons whom the agency believes to be interested in the proposed action and published in the form and manner as the state agency shall prescribe.

(5) Published in the California Regulatory Notice Register as prepared by the office for each state agency's notice of regulatory action. *The Office of Administrative Law shall also send a link to an Internet Web site where this information is posted to the appropriate Senate and Assembly policy committee secretaries via electronic mail, if the notice of proposed action includes an economic impact, cost impact, statement, or finding described by paragraph (7), (9), (10), or (11) of subdivision (a) of Section 11346.5.*

(6) Posted on the state agency's Internet Web site if the agency has an Internet Web site.

~~(7) Submitted to the Legislature, in the manner prescribed by Section 9795, if the notice of proposed action includes an economic~~

1 ~~impact, cost impact, statement, or finding described by paragraph~~
2 ~~(7), (9), (10), or (11) of subdivision (a) of Section 11346.5.~~

3 (b) The effective period of a notice issued pursuant to this
4 section shall not exceed one year from the date thereof. If the
5 adoption, amendment, or repeal of a regulation proposed in the
6 notice is not completed and transmitted to the office within the
7 period of one year, a notice of the proposed action shall again be
8 issued pursuant to this article.

9 (c) Once the adoption, amendment, or repeal is completed and
10 approved by the office, no further adoption, amendment, or repeal
11 to the noticed regulation shall be made without subsequent notice
12 being given.

13 (d) The office may refuse to publish a notice submitted to it if
14 the agency has failed to comply with this article.

15 (e) The office shall make the California Regulatory Notice
16 Register available to the public and state agencies at a nominal
17 cost that is consistent with a policy of encouraging the widest
18 possible notice distribution to interested persons.

19 (f) Where the form or manner of notice is prescribed by statute
20 in any particular case, in addition to filing and mailing notice as
21 required by this section, the notice shall be published, posted,
22 mailed, filed, or otherwise publicized as prescribed by that statute.
23 The failure to mail notice to any person as provided in this section
24 shall not invalidate any action taken by a state agency pursuant to
25 this article.